

MINUTES OF REGULAR MEETING HELD NOVEMBER 10, 2015

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday, November 10, 2015 at 8:00 p.m.

Acting Mayor Neylan made the following announcements:

“Prior to convening in regular session, there was an agenda session which was open to public and advertised.”

“The adequate notice of this meeting as required by the Open Public Meetings Act, was provided by the posting, mailing and filing of the annual notice of regularly scheduled meetings of the Town Council on December 16, 2014. The notice was, on that date, posted on the bulletin board in the Municipal Building, mailed to THE WESTFIELD LEADER, AND THE STAR LEDGER, and filed with the Clerk of the Town of Westfield.”

PRESENT: Acting Mayor Neylan, Council Members, Arena, Foerst, Della Fera, Kimmins

ABSENT: Mayor Skibitsky, Council Members LoGrippe, Oliveira, Loughlin

Invocation was given by Councilwoman Kimmins

PRESENTATIONS

Chief David Kelly introduced three new firefighters, John Gura, Thomas Bottini and Kevin Guidici Pietro. All three were sworn in by Acting Mayor Neylan.

APPOINTMENT

ADVERTISED HEARINGS

The Council proceeded to the hearing entitled, “GENERAL ORDINANCE NO. 2053 – AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD ESTABLISHING AN AFFORDABLE HOUSING INCLUSIONARY ZONE DESIGNATED AS THE WEST BROAD STREET AFFORDABLE MULTI-FAMILY TRANSIT ORIENTED DEVELOPMENT (WBS-AMFH) ZONE DISTRICT.”

Advertised returnable this evening.

Acting Mayor Neylan declared the hearing closed.

The Council then proceeded to the hearing entitled, "GENERAL ORDINANCE NO. 2054 – AN ORDINANCE AMENDING CERTAIN ZONE BOUNDARIES AND MODIFYING THE ZONING MAP."

Advertised returnable this evening.

Acting Mayor Neylan declared the hearing closed.

PENDING BUSINESS

An ordinance entitled, "GENERAL ORDINANCE NO. 2053 – AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD ESTABLISHING AN AFFORDABLE HOUSING INCLUSIONARY ZONE DESIGNATED AS THE WEST BROAD STREET AFFORDABLE MULTI-FAMILY TRANSIT ORIENTED DEVELOPMENT (WBS-AMFH) ZONE DISTRICT." Introduced by Councilman Foerst, seconded by Councilman Della Fera, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas:	Arena	Nays:	Absent: LoGrippo
	Foerst		Oliveira
	Della Fera		Loughlin
	Kimmins		Mayor Skibitsky
	Acting Mayor Neylan		

An ordinance entitled, "GENERAL ORDINANCE NO. 2054 – AN ORDINANCE AMENDING CERTAIN ZONE BOUNDARIES AND MODIFYING THE ZONING MAP." Introduced by Councilman Foerst, seconded by Councilwoman Kimmins, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas:	Arena	Nays:	Absent: LoGrippo
	Foerst		Oliveira
	Della Fera		Loughlin
	Kimmins		Mayor Skibitsky
	Acting Mayor Neylan		

BIDS

MINUTES

On a motion by Councilman Foerst, seconded by Councilwoman Kimmins, Council approved the Minutes of the Town Council Meeting held October 20, 2015.

On a motion by Councilwoman Kimmins, seconded by Councilman Arena Council approved the Minutes of the Conference Session held October 20, 2015.

PETITIONS AND COMMUNICATIONS

OPEN DISCUSSION BY CITIZENS

BILLS AND CLAIMS

Introduced by Councilman Della Fera, seconded by Councilman Arena and adopted.

RESOLVED that the bills and claims in the amount of \$613,557.32 per the list submitted to the members of this Council by the Chief Financial Officer, and approved for payment by the Town Administrator be, and the same are hereby, approved and that payroll warrants previously issued by the Chief Financial Officer be ratified.

REPORTS OF STANDING COMMITTEES:

Finance Policy Committee

The following resolutions, introduced by Councilman Della Fera, Chairman of the Finance Policy Committee, seconded by Councilman Arena were unanimously adopted.

(320) RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the amount of \$16.20 to the order of New Jersey Department of Health, P.O. Box 369, Trenton, New Jersey for Dog Licenses issued by the Town Clerk for the month of October 2015.

(321) WHEREAS, N.J.S.A. 40A:4-87 (Chapter 159, P.L., 1948) provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget or any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, the Director may also approve the insertion of any item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED that the Town of Westfield hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year **2015** in the sum of **\$5,130.68**,

which is now available from the **NJ Division of Criminal Justice Body Armor Replacement Fund**, and

BE IT FURTHER RESOLVED that the like sum be, and the same is hereby appropriated under the following caption:

General Appropriations

NJ Division of Criminal Justice Body Armor Replacement Fund \$5,130.68

BE IT FURTHER RESOLVED that one copy of this resolution be forwarded electronically to the Division of Local Government Services by the Chief Financial Officer.

(322) WHEREAS, Sarah Tomlinson placed the required cash bond of \$500.00 to cover the Street Opening Permit #14-344 for 810 Harding Street, and

WHEREAS, Sarah Tomlinson has requested that this amount be returned to her, and

WHEREAS, the Town Engineer, has inspected the roadway excavation and has found the excavation to have been properly repaired.

NOW THEREFORE BE IT RESOLVED, that the Treasurer be authorized to draw a warrant in the name of Sarah Tomlinson for \$500.00 and forward to 810 Harding Street, Westfield, NJ 07090.

(323) RESOLVED that the Chief Financial Officer be and he hereby is authorized to draw warrants to the following persons, this amount being overpaid for 2015:

BLOCK AND LOT NAME AND ADDRESS	PROPERTY	AMOUNT
906/37 RASOILO, Isabel	874 North Avenue West	\$588.50
2705/24.02 CHANDRA, Kiran & Sireesha	308 Scotch Plains Avenue North	\$4,226.35
4702/42 ESPINA, Mark & Lisa A.	500 Clifton Street	\$448.42
5711/16 Shaun R. Cherewich	222 Delaware Street	\$3,737.20

MAIL CHECK TO:
JOYCE K. WEGBREIT
ATTORNEY AT LAW
218 AVON ROAD
WESTFIELD, NJ 07090

The following resolution, introduced by Della Fera, seconded by Councilman Foerst was adopted by the following roll call vote:

(324) RESOLVED that the Chief Financial Officer be authorized to make the following transfer(s) in the 2015 budget accounts:

	<u>OUT</u>	<u>IN</u>
<u>CURRENT FUND</u>		
GROUP INSURANCE	\$115,000.00	
5-01-183-221		
LEGAL	\$50,000.00	
5-01-120-211		
BUILDINGS & GROUNDS		\$50,000.00
5-01-137-211		
FINANCE		\$25,000.00
5-01-115-101		
ELECTRICITY		\$20,000.00
5-01-166-211		
TELEPHONE		\$20,000.00
5-01-168-211		
GASOLINE		\$20,000.00
5-01-171-211		
BUILDINGS & GROUNDS		\$30,000.00
5-01-185-217		
	<hr/> \$165,000.00	<hr/> \$165,000.00
<u>POOL UTILITY</u>		
POOL OPERATING (Salaries & Wages)	\$8,000.00	
5-03-195-101		
POOL OPERATING (Other Expenses)		\$8,000.00

5-03-195-257

\$8,000.00

\$8,000.00

Yeas: Arena
Foerst
Della Fera
Kimmins
Acting Mayor Neylan

Nays:

Absent: LoGrippe
Oliveira
Loughlin
Mayor Skibitsky

Public Safety, Transportation and Parking CommitteeCode Review & Town Property Committee

The following resolutions, introduced by Councilman Foerst, Chairman of the Code Review & Town Property Committee, seconded by Councilman Arena were unanimously adopted.

(325) WHEREAS, Gem Builder Carpentry, LLC, made an application to the Town of Westfield to demolish a single-family dwelling located at 206 Dickson Drive, Block 5302, Lot 2, Westfield, New Jersey, and,

WHEREAS, Steve Freedman, Construction Official, certifies to the Town Council that the application meets all requirements of General Ordinance No. 1386, relative to obtaining a demolition permit.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Town Council of the Town of Westfield that approval is hereby granted, pursuant to final approval by Steve Freedman, Construction Official, to demolish a single-family dwelling at 206 Dickson Drive, Block 5302, Lot 2, Westfield, New Jersey.

(326) WHEREAS, Premier Design Custom Homes, LLC, made an application to the Town of Westfield to demolish a single-family dwelling located at 14 Wychview Drive, Block 2004, Lot 1, Westfield, New Jersey, and,

WHEREAS, Steve Freedman, Construction Official, certifies to the Town Council that the application meets all requirements of General Ordinance No. 1386, relative to obtaining a demolition permit.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Town Council of the Town of Westfield that approval is hereby granted, pursuant to final approval by Steve Freedman, Construction Official, to demolish a single-family dwelling at 14 Wychview Drive, Block 2004, Lot 1, Westfield, New Jersey.

(327) WHEREAS, Elegant Homes, LLC, made an application to the Town of Westfield to demolish a single-family dwelling located at 835 Tice Place, Block 4703, Lot 24, Westfield, New Jersey, and,

WHEREAS, Steve Freedman, Construction Official, certifies to the Town Council that the application meets all requirements of General Ordinance No. 1386, relative to obtaining a demolition permit.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Town Council of the Town of Westfield that approval is hereby granted, pursuant to final approval by Steve Freedman, Construction Official, to demolish a single-family dwelling at 835 Tice Place, Block 4703, Lot 24, Westfield, New Jersey.

(328) WHEREAS, Elegant Homes, LLC, made an application to the Town of Westfield to demolish a single-family dwelling located at 73 Fairhill Drive, Block 201, Lot 58, Westfield, New Jersey, and,

WHEREAS, Steve Freedman, Construction Official, certifies to the Town Council that the application meets all requirements of General Ordinance No. 1386, relative to obtaining a demolition permit.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Town Council of the Town of Westfield that approval is hereby granted, pursuant to final approval by Steve Freedman, Construction Official, to demolish a single-family dwelling at 73 Fairhill Drive, Block 201, Lot 58, Westfield, New Jersey.

(329) WHEREAS, Elegant Homes, LLC, made an application to the Town of Westfield to demolish a single-family dwelling located at 908 New England Drive, Block 4505, Lot 11, Westfield, New Jersey, and,

WHEREAS, Steve Freedman, Construction Official, certifies to the Town Council that the application meets all requirements of General Ordinance No. 1386, relative to obtaining a demolition permit.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Town Council of the Town of Westfield that approval is hereby granted, pursuant to final approval by Steve Freedman, Construction Official, to demolish a single-family dwelling at 908 New England Drive, Block 4505, Lot 11, Westfield, New Jersey.

(330) WHEREAS, Newpointe Realty, LLC, made an application to the Town of Westfield to demolish a single-family dwelling and detached garage located at 404 South Elmer, Street, Block 3207, Lot 4, Westfield, New Jersey, and,

WHEREAS, Steve Freedman, Construction Official, certifies to the Town Council that the application meets all requirements of General Ordinance No. 1386, relative to obtaining a demolition permit.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Town Council of the Town of Westfield that approval is hereby granted, pursuant to final approval by Steve Freedman, Construction Official, to demolish a single-family dwelling and detached garage at 404 South Elmer Street, Block 3207, Lot 4, Westfield, New Jersey.

(331) WHEREAS, Bao Vu & Kha Tran, made an application to the Town of Westfield to demolish a single-family dwelling and detached garage located at 1811 Boynton Avenue, Block 5711, Lot 13, Westfield, New Jersey, and,

WHEREAS, Steve Freedman, Construction Official, certifies to the Town Council that the application meets all requirements of General Ordinance No. 1386, relative to obtaining a demolition permit.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Town Council of the Town of Westfield that approval is hereby granted, pursuant to final approval by Steve Freedman, Construction Official, to demolish a single-family dwelling and detached garage at 1811 Boynton Avenue, Block 5711, Lot 13, Westfield, New Jersey.

(332) WHEREAS, Soni Realty, LLC, made an application to the Town of Westfield to demolish a single-family dwelling and detached garage located at 209 Edgewood Avenue, Block 903, Lot 31, Westfield, New Jersey, and,

WHEREAS, Steve Freedman, Construction Official, certifies to the Town Council that the application meets all requirements of General Ordinance No. 1386, relative to obtaining a demolition permit.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Town Council of the Town of Westfield that approval is hereby granted, pursuant to final approval by Steve Freedman, Construction Official, to demolish a single-family dwelling and detached garage at 209 Edgewood Avenue, Block 903, Lot 31, Westfield, New Jersey.

(333) WHEREAS, Christopher Canavan and Colleen Foster, made an application to the Town of Westfield to demolish a detached garage, located at 136 North Chestnut Street, Block 2211, Lot 16, Westfield, New Jersey, and,

WHEREAS, Steve Freedman, Construction Official, certifies to the Town Council that the application has met all requirements of General Ordinance No. 1386, relative to obtaining a demolition permit.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Town Council of the Town of Westfield that approval is hereby granted, pursuant to final approval by Steve Freedman, Construction Official, to demolish a detached garage at 136 North Chestnut Street, Block 2211, Lot 16, Westfield, New Jersey.

(334) WHEREAS, Premier Design Custom Homes, LLC, made an application to the Town of Westfield to demolish a single-family dwelling and shed located at 713 Knollwood Terrace, Block 4301, Lot 59, Westfield, New Jersey, and,

WHEREAS, Steve Freedman, Construction Official, certifies to the Town Council that the application meets all requirements of General Ordinance No. 1386, relative to obtaining a demolition permit.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Town Council of the Town of Westfield that approval is hereby granted, pursuant to final approval by Steve Freedman, Construction Official, to demolish a single-family dwelling and shed at 713 Knollwood Terrace, Block 4301, Lot 59, Westfield, New Jersey.

(335) WHEREAS, Messercola Brothers Inc., made an application to the Town of Westfield to demolish a single-family dwelling and shed located at 641 Norwood Drive, Block 5203, Lot 20, Westfield, New Jersey, and,

WHEREAS, Steve Freedman, Construction Official, certifies to the Town Council that the application meets all requirements of General Ordinance No. 1386, relative to obtaining a demolition permit.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Town Council of the Town of Westfield that approval is hereby granted, pursuant to final approval by Steve Freedman, Construction Official, to demolish a single-family dwelling and shed at 641 Norwood Drive, Block 5203, Lot 20, Westfield, New Jersey.

(336) WHEREAS, Tom Colicchio, made an application to the Town of Westfield to demolish a single-family dwelling and shed located at 1246 Summit Avenue, Block 5107, Lot 2, Westfield, New Jersey, and,

WHEREAS, Steve Freedman, Construction Official, certifies to the Town Council that the application meets all requirements of General Ordinance No. 1386, relative to obtaining a demolition permit.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Town Council of the Town of Westfield that approval is hereby granted, pursuant to final approval by Steve

Freedman, Construction Official, to demolish a single-family dwelling and shed at 1246 Summit Avenue, Block 5107, Lot 2, Westfield, New Jersey.

(337) WHEREAS, Michael Mahoney LLC, made an application to the Town of Westfield to demolish a single-family dwelling and shed located at 78 Tamaques Way, Block 5201, Lot 54, Westfield, New Jersey, and,

WHEREAS, Steve Freedman, Construction Official, certifies to the Town Council that the application meets all requirements of General Ordinance No. 1386, relative to obtaining a demolition permit.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Town Council of the Town of Westfield that approval is hereby granted, pursuant to final approval by Steve Freedman, Construction Official, to demolish a single-family dwelling and shed at 78 Tamaques Way, Block 5206, Lot 19, Westfield, New Jersey.

(338) WHEREAS, Newpointe Realty, LLC, made an application to the Town of Westfield to demolish a commercial dwelling located at 401 Central Avenue, Block 3207, Lot 1, Westfield, New Jersey, and,

WHEREAS, Steve Freedman, Construction Official, certifies to the Town Council that the application meets all requirements of General Ordinance No. 1386, relative to obtaining a demolition permit.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Town Council of the Town of Westfield that approval is hereby granted, pursuant to final approval by Steve Freedman, Construction Official, to demolish a commercial dwelling at 401 Central Avenue, Block 3207, Lot 1, Westfield, New Jersey.

The following resolution, introduced by Councilman Foerst, seconded by Councilwoman Kimmins was adopted by the following roll call vote:

(339) BE IT RESOLVED by the Town Council of the Town of Westfield that the Mayor is authorized to sign an escrow and funding agreement regarding property located in the Affordable Housing Inclusionary Zone Designated as the West Broad Street Affordable Multi-Family Transit Oriented Development Zone District.

Yeas: Arena
Foerst
Della Fera
Kimmins
Acting Mayor Neylan

Nays:

Absent: LoGripio
Oliveira
Loughlin
Mayor Skibitsky

Public Works Committee

The following resolution, introduced by Councilman Arena, Chairman of the Public Works Committee, seconded by Councilwoman Kimmins was unanimously adopted.

(340) WHEREAS, a need exists for the contract rental of privately owned equipment for use by the Department of Public Works in the 2015 Leaf Collection Program, as provided for in Public Works account 137-246, and

WHEREAS, sealed bids were received on two separate occasions for this work, October 6, 2015 and October 20, 2015, and

WHEREAS, contracts were awarded on both occasions for a maximum of two trucks to each low bidder, for a total of four trucks, whereas a total of six trucks are desired, and

WHEREAS, the New Jersey Public Contracts law permits contracts to be negotiated at fair and reasonable prices for the respective services when bidding on two occasions has been unsuccessful, and

WHEREAS, the Town Engineer negotiated a price with Galluzzo Brothers Carting Inc., for the rental of equipment to haul leaves from the streets, and

WHEREAS, Galluzzo Brothers Carting Inc. quoted an hourly rate of \$85.00 per hour for two roll-off trucks with a 30CY capacity, and

WHEREAS, Certificate of the Town Treasurer, certifying the availability of adequate funds for this Contract, prepared in accordance with N.J.A.C. 5:30 1.10 has been furnished to the Town Clerk. Expenditure of funds pursuant to this Contract to be charged to 137-246.

NOW THEREFORE BE IT RESOLVED, that the contract for the rental of privately owned equipment for an hourly rate of \$85.00 per hour be awarded to Galluzzo Brothers Carting Inc., 82-102 E. Peddie Street, Newark, New Jersey, 07114, and

BE IT FURTHER RESOLVED, that the proper Town Officials be, and they are hereby, authorized to take whatever actions are appropriate in the execution and discharge of this Contract.

Reports of Department Heads

Report of Kris McAloon, Town Engineer, stating he had turned over to the Chief Financial Officer check in the amount of \$6,871.00 representing monies collected during the month of October 2015.

Report of Claire J. Gray, Town Clerk, showing fee collected in the amount of \$3,055.00 during the month of October 2015 was received, read, and ordered filed.

Report of David J. Kelly, Chief of the Fire Department, showing Smoke Detector Fees collected in October 2015 in the amount of \$3,875.00 was received, read and ordered filed.

Upon motion by Councilman Foerst, seconded by Councilwoman Kimmins the meeting was adjourned at 8:26 p.m.

Claire J. Gray
Town Clerk